G. R. S. IX-5]

Previous references.

Cls 1–1881
Cls 3–1882

1886
~~191~~.
(Courts)

File No. 2

Serial Nos. 1–9

Later references.

Cls 12–1892
Cls 277–1914
Cs. 218–19 (1–4)
" 110–23 (1–4)
Law Dept 7659

9 13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 9

Part B for January 1888

SUBJECT.

Reciprocal execution of civil processes between the Mysore Govt and other Govts Established by British Rule

---

(General Serial No. 31.)

1886.

OFFICE OF THE
5-101
OCT. 6C
443
DEPT. OF STATE

From Lieut. Asst. to the Resident
Lampung in Lampong

To 1886

1885

Dated 6 October 1886

Despatched

Received

Enclosures No.

General No. 2772

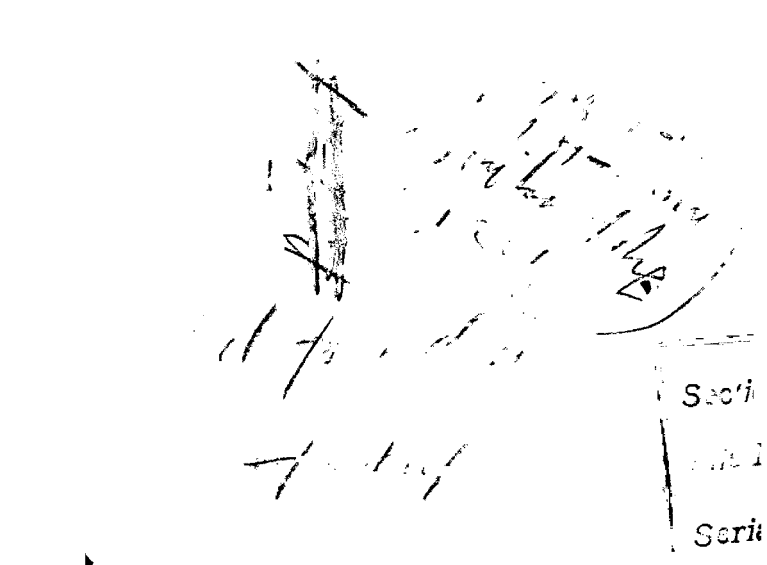
No. 5636

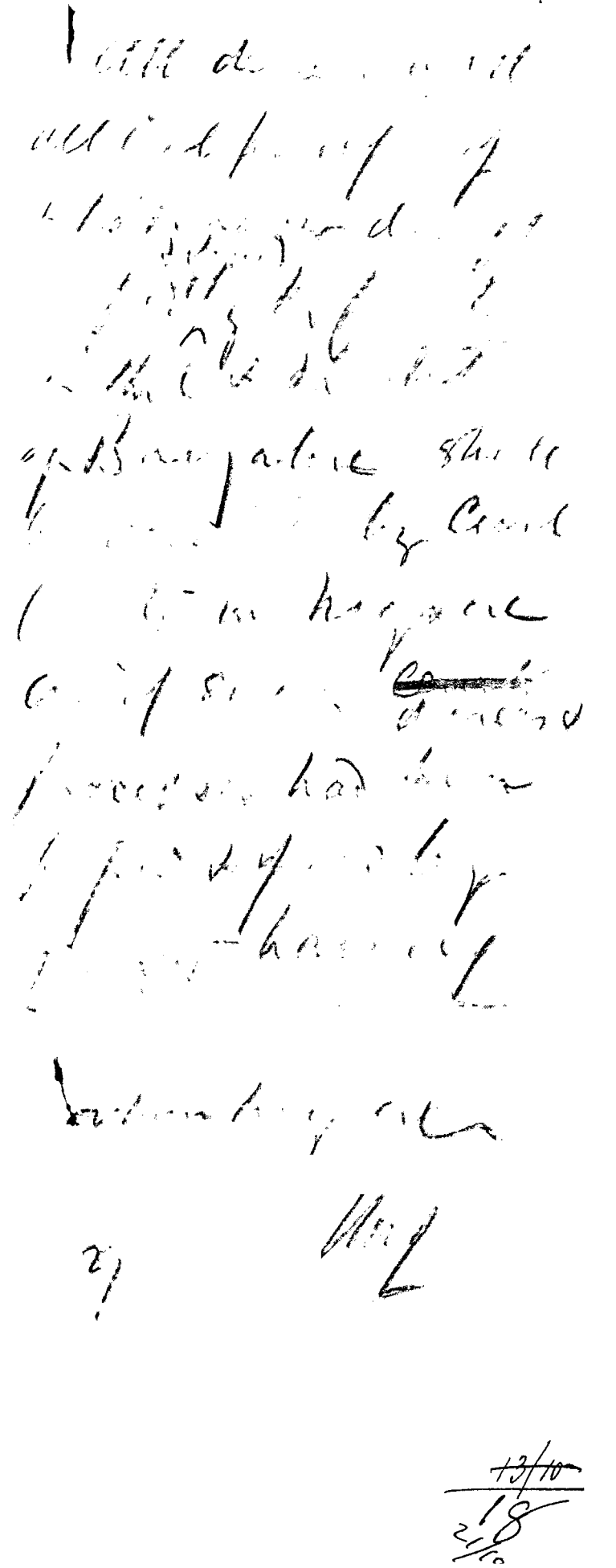
Suppose that 19-10

31 February

Suggesting that mutual
Agreement of the Resident & the
Darbar should be effected
with respect to the Courts under
their respective control to
legalize the reproach in execution
of decrees & service of civil
processes between the Courts
in the Civil & Military States
and those in the Lampong States.

So this





2 (1)

No. 2772 / 5636.

9—10—1886
Submitted for orders
R.R.

FROM

MAJOR E. A. FRASER,

ASSISTANT TO THE RESIDENT IN MYSORE.

Refer -
M/

TO The Dewan of Mysore

Dated, ~~Bangalore~~ Mysore, 6th October 1886.

SIR,

I am directed to address you on the subject of the reciprocity in execution of decrees and service of civil processes that at present exists between the Courts in the Civil and Military station of Bangalore and those in the Mysore State and to state that, as the law at present stands, there is no express provision authorizing such reciprocity.

2. I am therefore to suggest that it seems advisable that mutual orders of the Resident and of the Durbar should be issued addressed to the Courts under their respective control

to

to legalize such reciprocity, and to say that if the Durbar agree to the proposal and will send a draft order to that effect, Mr Lyall will be in a position to move the Government of India to sanction the issue of reciprocal orders on the subject, as it seems from precedent that the Government of India require that reference should be made to them in such cases.

I have the honour to be,

Sir,

Your most obedient Servant,

E A Fraser

Assistant to the Resident.

A.J.

(3)

No 37 Dated Bangalore,
3d February
1887

To

The Resident
in Mysore

Sir,

In reply to your
three letters noted in
the margin I have
the honor to state that
I concur in the ad-
visability of issuing
a mutual notifica-
tion by yourself and
the Durbar author-
izing the Courts under
the respective Govern-
ments to execute the
processes and decrees
in question I accord-
ingly forward here-
with the draft of
such a notification
for your considera-
tion and submission
to the Govt of India

I have &c

[illegible]

61

bowls
2-188
2

x
no 2772/5636 d 6 Oct 1866
214/5636 d 21 June 188
x
Formulae destroyed

1857

5

To

The Resident in Mysore

Dated Bangalore 3d Feby 1857

No 92 3 5 36

Concurring in the advisability of publishing a Notification legalizing the reciprocity in execution of decrees & service of Civil Processes that exists between the Courts in the C & d States and those in the Province of Mysore

Forwarded

substitute territories
of "Mysore" in the note
to be issued by the Resident

" substitute
C + on Station of Bangalore
in Do "

" substitute
" territories of "Mysore"
in Do "

" substitute
C + on Station of Bangalore
in Do -

4 † substitute in the
Cand station in the
notifn to be issued by
the Resident

⊗ substitute in the
C & M station of Bangalore
in Do

Ins P substitute
a territories of Mysore
in Do.

5 ⊕ substitute
in the C & M station
of Bangalore" in Do.

in ⊤ substitute
in Mysore"

3/a

Draft Notification

1 All decrees of any Court established in the C & M station of Bangalore which cannot be executed within the jurisdiction of the Court by which they were made, may be executed in the manner provided by Secs 223 to 228 of the Code of Civil Procedure within the jurisdiction of any Court in the territories of Mysore

2. All processes of whatsoever description issued by any Court or Magistrate in the C & M station of Bangalore may be acted upon and executed by all Courts and Magistrates in the territories of Mysore; as if such processes had been issued by a Court or Magistrate

having jurisdiction (+) in Impose.

3 All Civil decrees (X) of any Court in Impose which cannot be executed within the jurisdiction of the Court by which they were made, may be sent to the Courts (P) in the Eastern Station of Bengal for execution

4, All processes of whatsoever description issued by any Court or Magistrate (Φ) in Impose which require to be served by any Court or Magistrate (T) in the Eastern Station of Bengal may be sent to such Court or Magistrate for service -

1
C. 101

Camp Reg No 11E

(General Serial No. 31.)

188 7

1870

From Asstt Resdt 184

To

Dated 23 — 5 — 87

Despatched

Received

Enclosures No.

General No. 1593

No. 5636

Suggesting that the proper course to be adopted in the Extension of the Civil Pension Code to Mysore

28/5

Mr. AK

Subsidiary Orders 1887

9

(4)

No. 1593 / 5636

FROM

MAJOR D. ROBERTSON,

ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore,

Dated Bangalore, 23rd May 1887.

SIR

I am continuation of the correspondence ending with your letter No 37 dated the 3d February 1887, I am directed to draw your attention to the two notifications noted on the margin issued by the Government of India, Foreign Department and to state that the Government of India in forwarding Copies of these notifications say that it is believed that the provisions of the civil

× No 1652, I, dated 13th April 1887 / " 1653. I. dated do.

Civil Procedure Code have been adopted by His Highness the Maharajah's Government and that in that Case the proper Course would be for the Mysore Government to issue similar Notifications.

2 In suggesting this however, the Government of India seem not to have adverted to the Modifications with which the Code was applied to Mysore The form in which section 650. A of the Code was applied to Mysore obviously makes it superfluous to issue any notification under it and the fact that section 434 of the Code was omitted in the

process

process of extension to Mysore makes it impossible for His Highness's Government to issue any Notification corresponding to the Government of India Notification No. 1652 referred to above.

3 It seems to Mr. Fitzpatrick that to enable the Mysore Government to carry out their side of the arrangement so far as this latter point is concerned, it will be necessary to amend the Code as applied to His Highnesss ~~Territory~~ Probably the simplest way of doing this would be by inserting in section 229 of the Code, after the words " British India" either

either —

(a.) the words "or in the Civil and Military Station of Bangalore", or (b.) the words or of any Court established by the Governor General in Council in the territories of any foreign Prince or State"

4 The former amendment, I am to say, would do all that is necessary for the disposal of the matter at this moment under consideration; but as Mr. Fitz Patrick understands that the Government of India have at present under consideration arrangements by which the decrees of the Mysore Courts

could

could be made executable in all Courts established by the Governor General in Council in Native States and as in the event of this being done the decrees of those Courts would doubtless be made executable in Mysore, it would probably save time and trouble, he thinks, to adopt at once the wider amendment (b) But the officiating Resident is prepared to recommend to the Government of India whichever of the two may be preferred by His Highness's Government

I have the honor to be
Sir,
Your most obedient servant

Assistant to the Resident

~~1~~ 14

(General Serial No. 31.)

1887.

From The Deputy

To The Chief Judge

Boards 2-1885 No 4

Dated 8 — 6 — 87

Despatched 10

Received 13-6-87

Enclosures No

General No. 1

No. 785

Sir,

I have the honor to inform you that with reference to the notifications of the Foreign Department Nos. 1652 I and 1653 I dd 13 April 1887, copy of which is hereto attached as proposed by a Regulation to amend as noted in the margin See 229 of the Code of Civil Procedure as introduced into Upper

* A decree of any Court in British India or of any Court established by the Govr. Genl. in Council in the territories of any foreign Prince or State which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdn of any Court

to a ~~deed~~ of the Kind
Deeds passed by
the Excise station
Courts ~~being executed~~ being executed by the Courts of Bungalow or of tracts similarly administered by the Courts of Mysore State.
~~on the west of the~~
~~Mysore Province~~
I shall be obliged
by your informing me
at an early date whether
Code requires any
~~other~~ amendments
as in that case
~~they may be con-~~
~~veniently accepted~~
~~ted in the pro~~
amendment
posed Regulation

alterations or
in any other clause
it would be convenient to
embody therein

Yours truly
H. Cracroft
Secretary

16

The Gazette of India dated 16 April 1887.
Part-I Page 186.

The 13th April 1887

No. 1652. I.— In exercise of the powers conferred by Act XIV of 1882, as extended to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to declare that decrees of the Civil and Revenue Courts of Seypore may be executed in the Civil and Military Station of Bangalore as if they had been made by the Courts in that Station

No. 1653. I.— In exercise of the powers conferred by Section 650A of Act XIV of 1882 as extended to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to declare that the provisions of that section apply to the Civil Courts of Seypore.

signed/ H. S. Forbes
for Secretary to the Govt. of India

Copy

North Commercial

9
P. 104

17

(6)

(General Serial No. 29.)

2022

1887

From The Chief Judge of Mysore

To

The ~~Secretary to the~~ Dewan to His Highness the Maha Raja of Mysore.

Courts
No. 1585

Dated 23d June 1887

Despatched 25 [illegible]

Received

Enclosures No.

General No. 2978 } 188 —8
No. 51

In reply to his letter No 785 dated 8th instant stating that the proposed amendment to section 229 of the Civil Procedure Code appears to be required

To Assistant Reporter 27/6

Submitted 28/6/87

5/7

9/88

No 2978
51

(6)

18 Bangalore 23rd June 1887.

From,

C. G. Elmer Esquire
Chief Judge
of Mysore.

To,

The Dewan to His Highness
the Maha Rajah
of Mysore

Sir

In reply to your letter No 785 of the 8th Instant I have the honor to state that the proposed amendment to Section 229 of the Civil Procedure Code appears to be required. The further question, whether any other amendments in that Code are called for is a large question and one which will take sometime to answer, as the Judges of the Lower Courts will have to be consulted.

I have the honor to be
Sir
Your most Obed.t Servant

C. G. Elmer
Chief Judge

1887

(General Serial No. 31.)

19 1887

~~From~~ To

The Resident in Mysore

~~To~~

Courts
& 1986
6

Dated Bangalore 9th July 1887

Despatched

Received

Enclosures No.

~~General~~ No. 16
~~No.~~

Forwarding for the approval of the Government of India a draft Regulation providing for the execution within the territories of Mysore of the decrees of Courts established by the Governor General in Council in territories of any Foreign Prince or State.

I have the

Issued and
Letter sent to
Legislative Dept

20 No. 16 Dated Bangalore
9th July 1887

To,
The Resident
in Mysore

Sir,

I have the honor to acknowledge the receipt of your Office letter No. 1593/5636 of 23 ultimo drawing my attention to Foreign Department Notifications Nos 1652-I and 1653-I dt 13 April 1887 and conveying the observations of the Govt of India, with your own suggestions in respect of similar notifications being issued by the Courts for the summonses of the Courts of the Cantonments of Bangalore &c

served and of
them decree, being
executed in Imyne

In reply I have
to express the thanks
of the Durbar for
the foregoing despat-
ch & the congratulations quote
d & me and to state
that, as observed
by you, the form
in which Sec 650A
of the Cr. P. Code has been
applied to Imyne
makes it unnec-
essary to issue any
ratification le-
galizing the issue
in Imyne of the
summonses of the
Civil and Revenue
Courts of the civil

and Military Station
In respect of the
execution of the
decrees of such
Courts the Dunbar
prefers your sugges-
tion (b) in amend-
ing Sec 229 which
admit of the decree
of the C & M Sta-
tion as well as
of places similar
administered, being
executed by the
Courts in Impere

In this view I
beg to forward
herewith for the
approval of the
Government of
India a draft
Regulation amend
Sec 229 of the Code
as introduced

1/P. 161

Intro Impresa

Ranieri

Dentan

9/7/87

23

9
7/a

Draft-

Regulation No. of 1887

A Regulation to amend Regulation No. II of 1866 introducing into Mysore with certain modifications the Code of Civil Procedure Act No. XIV of 1882

Whereas ~~much~~ it is expedient to provide ~~[illegible] to be~~ ~~followed~~ being ~~in force~~ for the execution ~~by~~ within the territories of Mysore ~~the Mysore Courts~~ of the decrees of ~~the Civil and Revenue Courts of the Chief Station of Bangalore~~, Regulation No. II of 1866 to, it is hereby enacted as follows:-

Courts established by the Governor Genl. in Council in the territories of any Foreign Prince or State,

Draft 6

11/7/87

~~Schedule~~

In ~~the Schedule~~ Section ~~substituted~~ ~~for Sec 229 of Act XIV~~ of 1882 by Sec 23 of Regulation I of 1887 after the words in British India insert- the words or any court established by the Governor General in Council in the territories of any foreign Prince or State"

9/7/87

(General Serial No. 31.)

1887

25 (6)

From

To The Legislative Secretary

Secretary Courts
File No 2-1886
Serial No 7

Dated 15 Sept

Despatched

Received

Enclosures No. Concp

General No. 2146
No. 201

I forward for information a copy of the marginally noted correspondence on the subject of the execution of decrees & processes between the Courts of the C. & K. States & those of Mysore

I.O.

Mosley

Note file to be sent back to Govt. of Mysore

From Resident No 2772 dy 6-10-86
5056

To — do — 37 dy 3-2-87

Inclosure — do 165-2 & 165-3 dy 16-4-87.

From Asst. 1593/5636 dy 23-5-87

To Ch. Judge 785 dy 8-6-87

From — do — 2978/51 dy 23-6-87

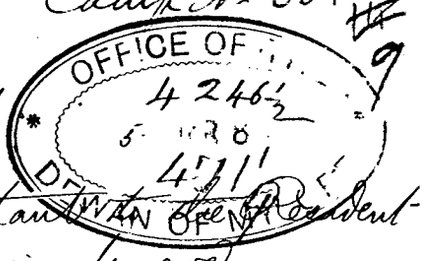
To Asst. No 16 dy 9.7.87

21

(General Serial No. 31.)

Camp No 351

1887



From The Assistant to the Resident in Mysore

To

Section Courts
2-1886
8

Dated 13th September

Despatched

Received

Enclosures No.

General No. 3012

~~No.~~ 5636.

Informing that the Government of India have signified their approval of the proposed Regulation to amend Regulation II of 1884 introducing into Mysore the Code of Civil Procedure Act XIV of 1882.).

Legislative Dept

Please draw up a fair copy of the Regn as approved & send for my signature if possible today or tomorrow by

15/12/87.

15-9-87

(9)

No. 3012 / 5636.

From

27

L. WHITE KING, Esq. C. S.,

Assistant to the Resident in Mysore.

19/9/87

To

The Dewan of Mysore

Dated, Bangalore, 13th September 1887.

Sir,

With reference to the correspondence ending with your letter No. 16 dated 9th July 1887 I am directed to inform you that the Government of India have signified their approval of the proposed Regulation to amend Regulation No. II of 1884 introducing into Mysore

the

28

the Code of Civil Procedure Act XIV of

882.)

I have the honour to be

Sir

Your Most Obedient Servant.

Assistant to the Resident.

G No 8-8

Regulation II of 1887

The following Regulation received the assent of His Highness the Maharajah on the 16th day of December 1887 and is hereby promulgated for general information

A Regulation to amend Regulation No II of 1884 introducing into Mysore with certain modifications the code of Civil Procedure Act No XIV of 1882.

Whereas it is expedient to provide for the execution within the territories of Mysore of the decrees of Courts established by the Governor General in Council in the territories of any foreign Prince or State it is hereby enacted as follows

In section 23

of Regulation II of 1884, after the 30
words "in British India insert
the words "or of any court established
by the Governor General in Council
in the Territories of any foreign
Prince or State.

(Signed) T. R. A. Thumboo Chetty
(offg) Dewan of Mysore.

Secy
Coff'l Rs

31 Regn Genl
2nd/1

I may then be informed if Legislature by pt from whence the Regulation issued

& Courts
2-1-1888

(General Serial No. 29.) 7500 10

1888 10

From The Chief Judge of Mysore

To

~~Offg~~ The ~~Secretary to the~~ Dewan to His Highness the Maha Raja of Mysore.

Dated 18 January 1888

Despatched 20-1-88

Received

Enclosures No.

General No. 206 } 188 —8
No. —

I.

Legislative Secretary

Please see that such mistakes do not occur in future —

The best plan will be to republish the Regn with the necessary corrections in 3 more issues — & In the copies where circulated the mistake shd be corrected

BM

Ans 6289 of 23-1-88 21/2
615

Forwarded to Legislative Secretary

BM

Brings to notice that there is evidently a misprint in paras 2 and 4, Part III of the My Gazette of the 14th Instant the Regulation extending the Civil Procedure Code to Mysore is No II of 1884, instead II of 1882

Memo

The draft of the Regulation is submitted. A corrected copy thereof has been sent to the Press for republication in the Gazette in its next three issues

[signature]
Legislative Secretary

25 January 88

Seen
BM
27/1

Put with Records
N. 307 87
5636

Seen
BM
27/1

Seen
BM
6/2

No 206/4 32 Bangalore 18th January 1888.

(10)

From

W. G. Plumer Esqre.
Chief Judge of
Mysore

To

The Offg. Dewan to His
Highness the Maha Rajah
of Mysore

Sir

I have the honor to bring to your notice that there is evidently a misprint in paras 2 and 4, Part III of the Mysore Gazette of the 14th Instant The Regulation extending the Civil Procedure Code to Mysore no No. II of 1884, not II of 1886.

I have the honor to be,
Sir,
Your most Obedt. Servant

Chief Judge

JRT